

In re Barich, et al.  
U.S. Patent Application No. 09/725,656

### REMARKS

The present amendment is submitted in response to the Office Action date April 22, 2003. In the Office Action, the Examiner objected to claim 23 for containing an informality. In addition, claims 1, 2, 4, 10, 13, 19, 20, 24 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tatum in view of Ng and Staples. Further, claims 5 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tatum in view of Ng and Staples and further in view of Williams. Still further, claims 6, 7, 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tatum in view of Ng and Staples, and further in view of Japanese Patent No. 09248766 (JP '766). In addition, claims 9, 23 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tatum in view of Ng and Staples and further in view of Kipp. Moreover, claims 14 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tatum in view of Ng and Staples and further in view of Stapp.

Applicants note with appreciation that claims 21, 22, 25 and 26 have been deemed allowable, and that claim 8, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8, 17 and 18 have been rewritten in independent form as newly added claims 29, 30 and 31. Applicants respectfully submit that these claims are allowable over any of the references of record and allowability of these claims is respectfully requested.

With respect to the objection of claim 23 for an informality, Applicants respectfully submit that claim 23 has been cancelled, thereby rendering the objection thereto moot.

In re Barich, et al.  
U.S. Patent Application No. 09/725,656

In addition, Applicants respectfully submit that claims 21, 22, 25 and 26 have been amended to define that certain service steps, such as administering a lining to an interior of the railcar or scouring an interior of the railcar, more logically fit the steps of the claim as a whole. More specifically, these service steps have been deleted from the end of the claim and added earlier in the claim steps. However, this amendment is not meant to define that the steps must occur in the order stated.

With respect to the rejection of the claims under 35 U.S.C. §103(a) as being unpatentable over Tatum in view of Ng and Staples, Applicants respectfully submit that the claims, as amended, distinctly define the present invention from any of the art of record, taken alone or in combination, for the reasons that follow.

More specifically, independent claim 1 has been amended to define that the railcar requires service from both a first maintenance station and a second maintenance station. In addition, claim 1 has been amended to define that a first communication means is associated with the first maintenance station and that the second communication means is associated with the second maintenance station. The railcar is further held in a queue area and not transferred to any of the maintenance stations if the first communication means indicates that the first maintenance station is unavailable to receive the railcar even if the second maintenance station is available to receive the railcar. Further, the railcar is transferred into the maintenance facility if the first communication means indicates that the first communication means indicates that the first maintenance station is available to receive the railcar even if the second communication means indicates that the second maintenance station is unavailable to receive the railcar. After being transferred to the first maintenance station, the railcar is transferred to the second maintenance station.

In re Barich, et al.  
U.S. Patent Application No. 09/725,656

These features are nowhere taught nor disclosed by the cited prior art. The features as defined herein in independent claim 1 allow a railcar in need of service by a plurality of work stations to receive the service and maintain a constant level of work-in-progress through the maintenance facility. Specifically, certain maintenance stations may cause bottlenecks because of the service they provide. For example, interior lining operations may cause bottlenecks because many railcars require this service, and it may take a relatively longer period of time to complete the service. Railcars that are released prematurely into the maintenance facility may get stuck within a maintenance station awaiting the "bottlenecking" maintenance station to become available. Therefore, not only is the "bottlenecking" maintenance station slow, but other maintenance stations may become unavailable if they are being used to store the railcar prior to entering the bottlenecking maintenance station.

Therefore, when these "bottlenecking" maintenance stations are unavailable to receive a railcar, a communication is sent informing that the railcar should not be released into the maintenance facility to any of the maintenance stations, but should instead be diverted to a queue area until the "bottlenecking" maintenance stations are available to receive the railcar, even if there are other maintenance stations that could receive the railcar. This system allows the "bottlenecking" maintenance stations to maintain a constant work-in-progress, while keeping other maintenance stations free to repair other railcars that do not require the services of the "bottlenecking" maintenance station.

Claims 2 and 4-20 depend from independent claim 1. These claims are further believed allowable over the references of record for the same reasons set forth above with

In re Barich, et al.  
U.S. Patent Application No. 09/725,656

respect to their parent claims since each sets forth additional steps of Applicants' novel method.

### CONCLUSION

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants respectfully urge the Examiner to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants' respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

Date: July 18, 2003

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CHI99 4138963-1.047440.0037